

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**GOFORIT ENTERTAINMENT, LLC,** )

**PLAINTIFF** )

**VS.** )

**Case No. 3:08-cv-02011-D**

**DIGIMEDIA.COM L.P.,** )

**CYBERFUSION.COM L.P.,** )

**HAPPYDAYS, INC.,** )

**DIGIMEDIA.COM MANAGEMENT,** )

**INC., and SCOTT DAY,** )

**DEFENDANTS** )

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**JOINT MOTION FOR CONTINUANCE**

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Plaintiff and Defendants ask the Court to continue the trial of this case until the first available trial setting in or after November 2010.

A. Introduction

1. Plaintiff is GoForIt Entertainment, LLC. Defendants are Digimedia.com L.P.; CyberFusion.com L.P.; HappyDays, Inc.; Digimedia.com Management, Inc.; and Scott Day.

2. Plaintiff sued Defendants for violations of Section 43(d) of the Trademark Act of 1946, 15 U.S.C. § 1125(d), trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. § 1114(a); use of false designations of origin, false descriptions and false representations, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); trademark infringement, in violation of the common law of Texas; and unfair competition, in violation of the common law of Texas.

3. On January 25, 2010 Defendants filed their Motion for Partial Summary Judgment. (Dkt. Nos. 77-79) Plaintiff's Response to the Motion for Partial Summary Judgment was due on February 26, 2010, and has now been filed. (Dkt. Nos. 87, 90-91).

4. This case is set for trial on the Court's two-week docket beginning June 7, 2010. (Dkt. No. 34) On February 11, 2010, the Court entered an Order granting Plaintiff's Motion to Extend Deadlines. (Dkt. No. 84) In that Order, the Court noted that the new deadlines would "probably impact the trial setting[.]" *Id.*, p. 3, n. 3.

B. Request for Continuance

5. The parties ask the Court to continue the trial setting of this case until the first available trial setting in or after November 2010.


6. Attorneys and the parties' respective representatives agree to this continuance and have signed this agreed motion.

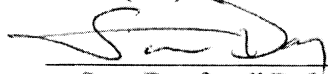
7. This request for continuance is not merely for delay, but so that justice may be done.

C. Conclusion

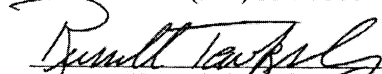
8. For these reasons, the parties ask the Court to continue the trial of this case until the first available trial setting in or after November 2010.

Respectfully submitted:

  
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Scott Day for all Defendants

/s/ Corey D. McGaha  
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Russell Tewksbury for Plaintiff

**CERTIFICATE OF SERVICE**

On March 4, 2010, I electronically submitted the foregoing document to the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel electronically or by another manner authorized by the Federal Rule of Civil Procedure 5(b)(2).

/s/ Corey D. McGaha

Corey D. McGaha